

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

Blue Spike, LLC,

Plaintiff,

V.

Texas Instruments, Inc., et al.,

Defendants.

Case No. 6:12-cv-499 MHS

Lead Case

Jury Trial Demanded

**Declaration of Stephen W. Unger, M.D. in Support of Blue Spike's
Opposition to Motion to Transfer**

I, Dr. Stephen W. Unger, declare as follows:

1. I, Dr. Stephen W. Unger, am a board-certified medical doctor licensed to practice in the State of Florida specializing in general surgery. Scott Moskowitz has been and is my patient. I have personal knowledge of the information contained in this declaration and can testify to the truth of these statements.

2. My office is located at 4302 Alton Road, Suite 820, Miami Beach, Florida 33140, where I maintain my medical practice.

3. I have consulted with, examined, and treated Scott Moskowitz for surgery related to his condition.

4. Mr. Moskowitz suffers from a condition known as chronic inguinal neuropathy, which is characterized by a sharp, shooting pain that originates from the area located near the front hip (called “the anterior superior iliac spine”) and radiates through the groin, thigh, and genitalia.

5. Mr. Moskowitz has received four inguinal hernia surgeries that did not relieve Mr. Moskowitz's pain: one per year in 2006, 2007, 2008, and 2009.

6. He currently receives an experimental pain-management treatment every 10-12 weeks in which a 22-gauge, 10-centimeter-long needle and targeted electronic pulses are used to treat three nerves on Mr. Moskowitz's left side and three on his right side. "Attachment A" is a picture of the device that is used during the procedure.

7. These treatments do not remove or eliminate Mr. Moskowitz's pain but only manage it so that he can function on a limited basis.

8. Given the intense pain caused by his condition and given the risks of bleeding and infection, Mr. Moskowitz's condition is severely disabling.

9. Due to those risks, Mr. Moskowitz is unable to travel by plane or car for long durations of time, and doing causes extreme pain and is not advised.

I declare, on May 22, 2014 in Miami-Dade County, Florida, and under penalty of perjury under the laws of the United States and Texas, that the statements made in this declaration are true and correct.

/s/ Stephen W. Unger
Dr. Stephen W. Unger

ATTACHMENT A

